

Application No. 10/765,797

Reply to Office Action

*REMARKS**Discussion of Specification and Claim Amendments*

The specification has been amended to add the subject matter of original claim 5.

The preamble of claims 4, 6-11, 17, 21, 23-25, 27, and 30 have been amended to match the preamble of the independent claim, claim 1. Claim 4 has been amended to recite that the infrared light absorbing dye further comprises at least one covalently bonded perfluoroalkyl group. Claims 8 and 24 have been amended to further refine the claim language of  $-A^1-$  and  $-A^2-$ . Since  $-A^1-$  and  $-A^2-$  are divalent groups, "alkyl", "alkenyl", "aryl", and "aralkyl" have been changed to --alkylene--, --alkenylene--, --arylene--, and --aralkylene--, respectively. Those of skill in the art will readily understand that such divalent groups were intended as originally filed. Claims 8 and 24 also have been amended to correct an obvious typographical error; thus, the "2" in  $-\text{NO}_2$  has been made a subscript. Claim 8 also has been amended to delete the terms "optional" and "optionally" from the definition of X. In claims 8 and 24, the definition of X was further polished to reflect the electroneutrality of the dye molecule including a counterion. The proviso language has been deleted from claim 8; as applicants have limited the definition of X to require the presence of a perfluoroalkyl group containing at least 6 carbon atoms, the proviso became unnecessary. Applicants have chosen to select one of the combinations provided by the earlier claim 8, and as such, no new matter has been introduced by this amendment.

Claim 9 has been amended to depend from claim 37. Claim 10 has been made to depend from claim 9, rather than claim 8, to further refine claim dependency. The reference to variables  $p_1$ ,  $p_2$ , etc. in claim 10 is unnecessary since the meanings of these variables automatically flow from claims 8-9, and therefore, the reference to the variables has been deleted. Claim 11 has been made to depend from claim 9, rather than on claim 8, for further refining claim dependency. In addition, the first two dye molecules have been deleted from claim 11, along with the reference to  $R^{12}$ ,  $R^{13}$ , and W. Claim 11 also has been amended to correct obvious typographical errors; thus, "3" and "4" in  $-\text{SO}_3$  and  $-\text{SO}_4$  have been made subscripts.

Claim 24 has been amended to recite a proviso that at least one of  $R^1$  to  $R^{11}$  contains a perfluoroalkyl group or at least one of  $A^1$  and  $A^2$  contains a  $-\text{C}_v\text{F}_{2v}$ -group or  $a-[(\text{CF}_2)_2-\text{O}]_w$ -group. This selection is supported by the proviso language in the original specification and

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claims, e.g., original claim 8. Claim 25 has been amended to delete the reference to the formula and description already found in claim 24 upon which claim 25 now depends. Claim 25 also has been amended to more particularly define  $Z^1$  and  $Z^3$ . Claim 27 has been made to depend from claim 25, rather than claim 24, to further refine claim dependency. Claim 30, which depends upon claim 27, has been amended to delete the description already found or implied in claim 27 and claim 25 upon which claim 27 depends. New claim 37 has been added and is directed to an embodiment of the invention.

No new matter has been added by way of these amendments.

With the entry of the amendment, claims 1, 4, 6-11, 17, 21, 23-25, 27, 30, and 37 are pending.

#### *The Office Action*

1. The Office Action sets forth certain objections to claims in paragraphs 4 and 6-11;
2. Claims 5, 8, 9, 10, 11, 12, 14, 24, 25, 27-28, 30-31, 33, and 34 are rejected under 35 U.S.C. § 112, first paragraph, for an alleged lack of written description; and
3. Claims 5, 8, 9, 10, 11, 12, 14, 24, 25, 27-28, 30-31, 33, and 34 are objected to under 37 C.F.R. 1.75(c), for an alleged improper dependent form.

The Office Action indicates that no further new examination over the prior art is considered until the scope of the claims is clarified by applicants. Reconsideration is respectfully requested.

#### *Discussion of Rejections*

##### 1. Informalities

Applicants have corrected the alleged informalities. Accordingly, the objections should be withdrawn.

##### 2. Written Description

Claims 5, 8-12, 14, 24-25, 27-28, 30-31, 33 and 34 are rejected under 35 U.S.C. § 112, first paragraph, for an alleged lack of written description. Applicants have amended the claims. Further, as discussed above, the present claims are fully supported by the original

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claims and the specification. Accordingly, the rejection under § 112, first paragraph, should be withdrawn.

3. Objection Under 37 C.F.R. § 1.75(c)

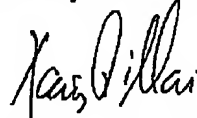
Claims 5, 8-12, 14, 24, 25, 27-28, 30-31, 33, and 34 are objected to for an alleged improper dependent form. Applicants have amended the claims as discussed above. In view of the foregoing, applicants respectfully submit that the claims are compliant with 37 C.F.R. § 1.75(c).

The references cited in the previous Office Action fail to suggest to those of ordinary skill in the art the presently claimed invention, particularly the infrared light absorbing dyes of claims 1 and 4.

*Conclusion*

The application is considered to be in proper condition for allowance. If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,



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